

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

HOPE ACADEMY CORP.

APPELLANT,

v.

**THE MISSOURI STATE BOARD
OF EDUCATION**

RESPONDENT.

DOCKET NUMBER WD77709

DATE: June 9, 2015

Appeal From:

Cole County Circuit Court
The Honorable Patricia S. Joyce, Judge

Appellate Judges:

Division Three: Mark D. Pfeiffer, Presiding Judge, Gary D. Witt, Judge and Anthony Rex Gabbert, Judge

Attorneys:

James W. Tippin, Kansas City, MO, for appellant.

Daniel W. Follett and Rachel S. Flaster, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

HOPE ACADEMY CORP.,

APPELLANT/RESPONDENT,

v.

THE MISSOURI STATE BOARD OF EDUCATION,

RESPONDENT/APPELLANT.

No. WD77709

Cole County

Before Division Three: Mark D. Pfeiffer, Presiding Judge, Gary D. Witt, Judge and Anthony Rex Gabbert, Judge

Hope Academy Corporation ("Hope Academy") was a charter school operating in Kansas City. The University of Missouri-Kansas City ("UMKC") entered into charter contract with Hope Academy in which it agreed to be a sponsor for a five-year period beginning in 2009 and ending in 2014. On December 2, 2013, UMKC informed Hope Academy that upon completing a review of Hope Academy's application for renewal, UMKC had decided not to continue as the sponsor. Hope Academy sought review from the Missouri State Board of Education ("Board"), which initially advised Hope Academy that it could appeal UMKC's decision to the Board directly but later determined that it had no ability to review UMKC's nonrenewal.

Hope Academy filed a two-count complaint against the Board and the Department of Elementary and Secondary Education ("DESE"). In its first count, Hope Academy sought "declaratory judgment and mandamus," requesting in essence (a) a declaration that the Board had authority to review and reverse UMKC's decision not to renew the charter pursuant to Section 160.405.8(4), and (b) a mandate that the Board issue a renewal of Hope Academy's charter. In its second count, Hope Academy sought to enjoin the Respondents from taking any affirmative action enforcing and effectuating UMKC's decision and to instruct Respondents to continue to act as if Hope Academy's charter was renewed (including providing Hope Academy funding).

Respondents moved to dismiss the action, arguing that neither the Board nor DESE had authority to grant the relief sought by Hope Academy. The trial court dismissed the action, and Hope Academy appeals the dismissal of its action.

AFFIRMED

Division Three holds:

(1) The Charter Schools Act does not include a review provision for the Board or DESE when a sponsor elects not to renew a charter.

(2) Hope Academy cannot allege facts indicating that the Board or DESE has the authority to reverse UMKC's decision not to renew its charter under Section 160.405.8(4), which relates to appeals of a sponsor's decision to *revoke* a charter.

Opinion by Gary D. Witt, Judge

June 9, 2015

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